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### **PIJIP Releases Report on Thai Compulsory Licenses and Abbott's Subsequent Refusal to Register New Medicines**

Thailand's issuance of compulsory licenses for three patented medicines is legal under domestic laws and complies with WTO rules, and Abbott's decision to withhold its new products from the Thai population violates Thai antitrust laws, according to a new report released today by the Associate Director of Washington College of Law's Program on Information Justice and Intellectual Property (PIJIP). The release of PIJIP's report coincides with the filing of a complaint by Thai activists to their country's Competition Commission, and an international Day of Action called by treatment activists around the world. The full report can be found at [www.pijip.org](http://www.pijip.org).

"The analysis we are releasing today demonstrates that Thailand's law incorporates the most important TRIPS flexibilities for issuing public use licenses, and that Thailand's action in licensing several medicines, including Abbott's Kaletra, was carefully tailored to comply with both its own law and the TRIPS agreement. Arguments to the contrary, which have not been brought in any competent tribunal, should be dismissed as political posturing. In addition, Abbott's response to the license – withholding a new version of its Kaletra product from the Thai market, appears to directly contravene the Thai Competition Act which prohibits 'suspending, reducing or restricting services, production, purchase, distribution, deliveries, or importation without justifiable reasons.' An unwillingness to comply with a legal and justifiable government order cannot be a 'justifiable reason' for suspending the supply of life saving medicines to Thai citizens."

The report released today explains that Article 51 of the Thai Patent Act, and article 31 of the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights, allows governments to license patents for any public non-commercial use. The compulsory license has been issued to the Government Pharmaceutical Organization, which will distribute generic versions of the drug through the public health sector. These attributes of the license make it clearly a public use license under Thai and WTO law.

Background: Last January, Thailand issued a compulsory license for Kaletra, allowing health authorities to import lower-cost generics from India. Kaletra is patented by Abbott, which then priced the drug at \$2200 per patient per year. Thailand's per capita income is \$2800. In response, Abbott has announced that it will no longer offer any new products for sale in Thailand.

The Program on Information Justice and Intellectual Property at the Washington College of Law promotes public interest approaches to domestic and international intellectual property law through advocacy, events and the provision of legal and consulting services.

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